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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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SEP 29 1994

IN REPLY REFER TO:
CN 9404277

DISPATCHED BY

The Honorable Pete Hoekstra
Member, U.S. House of Representatives
120 West Harris Street
Park View Plaza
Cadillac, MI 49601

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RECEIVED

OCT 5 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Representative Hoekstra:

This is in response to your inquiry on behalf of a constituent, Mr. Mitchel Bogner, General Manager of Carr Telephone Company, member of the National Rural Telecommunications Cooperative (NRTC). Mr. Bogner is concerned that DirecTV, operator of a direct broadcast satellite (DBS) facility, cannot obtain rights to Time Warner and Viacom programming, because such programming is subject to exclusive distribution rights of another DBS distributor, United States Satellite Broadcasting, Inc.

Mr. Bogner also expresses his support for the position of the NRTC concerning the Federal Communications Commission's interpretation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992. NRTC has requested that the Commission reexamine the legality of exclusive contracts between vertically integrated cable programmers and DBS providers in areas unserved by cable operators. NRTC has asked that the Commission determine that such contracts are prohibited.

NRTC's petition for reconsideration of the Commission's program access rulemaking proceeding is currently pending. As such, any discussion by Commission personnel concerning this issue outside the context of the rulemaking would be inappropriate. However, you may be assured that the Commission will take into account each of the arguments raised by NRTC and the other parties to the rulemaking concerning this issue to arrive at a reasoned decision on reconsideration.

I trust this information is responsive to your inquiry.

Sincerely,

Meredith J. Jones

Meredith J. Jones
Chief, Cable Services Bureau

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PETER HOEKSTRA
2D DISTRICT, MICHIGAN

COMMITTEES:

EDUCATION AND LABOR
PUBLIC WORKS AND
TRANSPORTATION

Congress of the United States
House of Representatives
Washington, DC 20515-2202

August 24, 1994

CSB
CATO
365
4277

Ms. Linda Townsend Solheim
Director, Legislative Affairs
Federal Communications Commission
Room 808
1919 M Street, N.W.
Washington, D.C. 20554

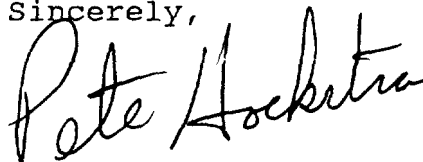
Dear Ms. Solheim:

Enclosed is the correspondence I have received from one of my constituents, Mitchel Bogner, who has requested my assistance regarding the FCC and the 1992 Cable Act.

I ask that your office review the enclosed correspondence and respond accordingly. Please give Mr. Bogner every consideration and keep our office informed of any developments in this case. Replies may be sent to my Cadillac Area Representative, Jill Brown at the address listed below.

Thank you for your cooperation and assistance in this matter.

Sincerely,



Pete Hoekstra
Member of Congress

PH:jab
Enclosure

PLEASE REPLY TO:

☐ 1319 LONGWORTH BUILDING
WASHINGTON, DC 20515
202/225-4401

☐ 120 WEST HARRIS STREET
PARK VIEW PLAZA
CADILLAC, MI 49601
616/775-0050

☐ 42 WEST 10TH STREET
HOLLAND, MI 49421
616/395-0030

☐ SUITE 203
300 THIRD STREET
MUSKEGON, MI 49840
516/122-8336

AUG 18 1994

HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN

101ST DISTRICT
BILL BOBIER
STATE CAPITOL
LANSING, MICHIGAN 48913
(517) 373-0825

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VICE CHAIR, GENERAL
GOVERNMENT

August 18, 1994

Mr. Mitchel Bogner, Gen. Mgr.
Carr Telephone
4325 Masten Rd
Branch, MI 49402

Dear Mr. Bogner:

Thank you for your recent letter regarding the FCC's lack of enforcement to the 1992 Cable Act.

Because the FCC and Cable Act are implemented at the federal level, I have forwarded a copy of your letter to Congressman Hoekstra's office so that he may have the opportunity to respond.

Again, thank you for writing. Please feel free to contact my office any time we may be of assistance at the state level.

Sincerely,

Bill Bobier
State Representative
101st District

BB/cl

CARR TELEPHONE

AUG 18 1994

25 Masten Road
Branch, Michigan 49402

(616) 898-2244
FAX (616) 898-3900

August 16, 1994

Bill Bobier
State Representative 101st District
R-Hesperia 101st District Capitol Building
Lansing, MI 48909

Dear Honorable Representative Bobier:

We at Carr Telephone Co. as members of the National Rural Telecommunications Cooperative have recently implemented the Direct Broadcast System which provides another innovative service to our rural customers, especially those that do not have access to cable.

However, because of the inaccessibility of equal access to programming through arrangements such as the Time Warner/ Viacom exclusive agreements, with only one programming distributor at the 101- degree West orbital location we are unable to do so completely.

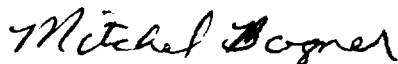
These type of 'arrangements' are in direct violation of the 1992 Cable Act and are only proving to be a way for cable programmers to control new competitors and continue to gouge rural customers. If this remains, the results will be unfair rates for rural families and limited access to all programming that should be conveniently available to them.

This problem could be easily solved if the FCC would enforce the wishes of Congress as stated in the Cable Act, and prohibit any exclusive contract that denies NRTC access to cable programming in rural areas that are non-cabled.

Would you please, in the interest of rural families send a letter to FCC Chairman Hundt this month supporting the Comments of the NRTC in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the market for the Delivery of Video Programming, CS Docket No. 94-48.

Thank you for your expeditious response to this matter.

Sincerely,



Mitchel Bogner
General Manager
Carr Telephone Company